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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,306	11/02/2001	Aaron M. Smith	D2805	4466
43471	7590	07/14/2006	EXAMINER	
GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED HOME SOLUTIONS BUSINESS OF MOTOROLA, INC. 101 TOURNAMENT DRIVE HORSHAM, PA 19044			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/002,306	Applicant(s) SMITH ET AL.	
	Examiner Linh LD Son	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19, and 22-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s).

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is responding to the RCE received on 5/12/06.
2. Claims 1-19, and 22-23 are pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6-8, 9, 17, and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al, US Patent No. 6603849, hereinafter "Lin".
5. As per claims 1, 6-8, 9, 17, and 20-23:

Lin discloses "A method of seamlessly transferring a communication session between a first device and a correspondent device on an IP network from the first device to a second device, the method comprising:

initiating a communication session between the correspondent device (H.323 endpoint 125) and the first device (gateway 180) having a first device IP address, and

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being configured to allow a user to receive or send the communication session therefrom, whereby the correspondent device is able to communicate with the first device during the communication session" in (Col 2 line 65 to Col 3 line 15);

"negotiating to transfer the communication session from the first device to a second device, the second device being configured to allow a user to receive or send the communication session therefrom" in (Col 4 lines 25-55);

"and transferring the first device IP address session from the first device to the second IP address session on another device so that data transferred from the correspondent device to the first device via the address thereof will be received by the second device" in (Col 4 line 64 to Col 5 line 35).

6. As per claims 20-21:

Lin discloses "A system for seamlessly transferring a communication session between different devices on an IP network occurring between a correspondent and one of the devices, the system comprising: a first device having a first IP address that is used to direct packets intended for receipt by the first device from the correspondent over the network to the first device, the first device being configured to allow a user to receive or send the communication session therefrom, whereby the correspondent device is able to communicate with the first device during the communication session" in (Col 2 line 65 to Col 3 line 15); "a second device having a second IP address that is used to direct packets intended for receipt by the second device from the correspondent over the network to the second device, the second device being configured to allow a user to receive or send the communication session therefrom" in " in (Col 5 lines 20-25); "and a

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switch associated with the devices operable to enable the second device to receive at least certain ones of the packets intended for the first device from the correspondent for seamless session transfer between the device" in (Col 4 lines 25-55, and Col 4 line 64 to Col 5 line 35).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al, US Patent No. 5517618, hereinafter "Lin".

9. As per claim 5:

Lin discloses "A method according to claim 1". However, Lin does not explicitly teach "the method further comprises: generating a wake-up message once the communication session is no longer to be transferred causing the first device to resume receiving communication sessions addressed to its IP address".

Nevertheless, Lin teaches the wake-up message, which is the message use to notify the gateway to re-route the communication to an alternative IP address (Col 5 lines 20-35).

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Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that an update message can also be used to stop the re-routing setup, so that the communication on the first can resume to receive incoming communication (Col 3 lines 50-65)

10. Claims 2-4, and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Patel, US Patent No. 6591364 (Cited in PTO 892 dated 06/30/05).

11. As per claims 2-4, and 10-13:

Lin discloses a method of transferring a communication session from the first device to the second device.

However, Lin does not explicitly teach "a method of transferring the communication session securely using a random number to serve as a session key".

Nevertheless, Patel discloses the "Method for establishing session key agreement" invention which includes a method of communicating a secure and encrypted conversation using a random number as a session key in (Col 7 lines 51-65).

Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Lin's method of transferring a communication session to incorporate Patel's method of utilize a session key to provide a secure transferring session.

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12. As per claim 14:

Lin and Patel disclose "A method according to claim 13, wherein the method further comprises: authenticating the notice from the first device to the Agent to ensure that the first device is the source of the notice" in (Patel, Col 7 lines 51-65).

13. As per claim 15:

Lin and Patel disclose "A method according to claim 13, wherein the method further comprises: notifying the Agent whether the second device is authorized to transfer the session" in (Patel, Col 7 lines 51-65).

14. As per claim 16:

Lin discloses a method of transferring a communication session from the first device to the second device.

Lin is silent on "the method further comprises: generating a random number to serve as a session key for the secure transfer of the session between the Agent and the second device; encrypting the session key; transferring the encrypted session key between the first device and the second device and the first device and the Agent; and using the session key to securely transfer the communication session from the Agent to the second device".

Nevertheless, Patel discloses the "Method for establishing session key agreement" invention which includes a method of communicating a secure and encrypted conversation using a random number as a session key in (Col 7 lines 51-65).

Therefore, it would have been obvious at the time of the invention was made for one

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having ordinary skill in the art to modify Lin's method of transferring a communication session to incorporate Patel's method to provide a secure transferring session.

15. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Johnston, US/6373946.

16. As per claims 18:

Lin discloses "A method of transferring a communication session between a Transferring Node and a Correspondent Node from the Transferring Node to a Target Node without disrupting the communication session, the method comprising: initializing a communication session between a Correspondent Node and a Transferring Node, the Transferring node being configured to allow a user to receive or send the communication session therefrom" in (Col 2 line 65 to Col 3 line 15); "negotiating a session transfer between the Transferring Node and a Target Node" in (Col 4 lines 25-55); ***(generating a random number to serve as a session key as a result of the negotiating; encrypting the session key via a security association between the Transferring Node and an Agent; transmitting the encrypted session key between the Transferring Node and an Agent; transmitting the encrypted session key between the Transferring Node and the Target Node, the Target Node being configured to allow a user to receive or send the communication session therefrom).*** "notifying the Agent that the communication session is being transferred from the Transferring Node to the Target Node" in (Col 4 lines 28-45); "authenticating



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the transfer notification by having the Agent verify that the Transferring Node sent the transfer notification; intercepting the session communications intended for the Transferring Node via the Agent” in (Col 4 lines 60 to Col 5 line 25, and Col 3 lines 6-15); and ***(tunneling the session communications intended for the Transferring Node to the Target Node via the Agent)***.

However, Lin does not teach ***“generating a random number to serve as a session key as a result of the negotiating; encrypting the session key via a security association between the Transferring Node and an Agent; transmitting the encrypted session key between the Transferring Node and an Agent; transmitting the encrypted session key between the Transferring Node and the Target Node, the Target Node being configured to allow a user to receive or send the communication session therefrom; and tunneling the session communications intended for the Transferring Node to the Target Node via the Agent”***

Nevertheless, Johnston discloses the “Communication Security” invention, which includes a method of encrypting a communication link between terminal 2a through a base station 15 to terminal 2b utilizing an random number as an session encryption key. The random session key and each terminal enciphering key ( $k_a$ ,  $k_b$ ) are calculated to derive a partial key ( $K_{pa}$ ,  $K_{pb}$ ). Once the random session key got derived back from the partial key sent from the base station, a secure communication channel or a tunnel can be setup to transmit data between the terminal 2a and terminal 2b (Col 9 lines 53 to Col 10 line 28).

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Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Lin's method of transferring a communication session to incorporate Johnston's communication security invention to provide a secure communication between the transferring node and the target node.

17. As per claim 19:

Lin and Johnston disclose "The method of claim 18, wherein the method comprises: determining whether the Transferring Node has permission to transfer the communication session; and disabling the Transferring Node's ability to transfer the communication session if the Transferring Node does not has permission to transfer the session" in (Lin, Col 3 lines 1-7, Col 3 lines 48-62, and Col 4 lines 25-45)

***Response to Arguments***

18. Applicant's arguments filed 5/12/06 have been fully considered but they are not persuasive.
19. .In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., page 11 of the remark) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
20. Examiner interprets the communication session as to any sending and receiving data information from one endpoint to a destination. The corresponding end point and the first end point with respect to "Lin" are respectively (H.323 endpoint 125) and (Gateway 180). Therefore, Lin and Johnson still anticipate the claimed invention.

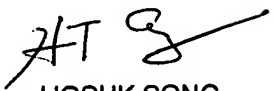
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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son  
Examiner  
Art Unit 2135

  
HOSUK SONG  
PRIMARY EXAMINER